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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 NATHAN BRADLEY MONTGOMERY,

14 Defendant.
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Case No. 2:14-CR-00391-KJD-NJK

ORDER

16 Presently before the Court is Defendant's Motion to Terminate Supervised Release (#5).
17 Though the time to do so has passed, no response has been filed by the Government.

18 A district court enjoys "broad discretion" when, after it takes into account the statutorily
19 required factors, it discharges a defendant's supervised release. United States v. Jeanes, 150 F.3d
20 483, 484 (5th Cir. 1998). The defendant, however, bears the burden of demonstrating that early
21 termination of his supervised release is justified. See United States v. Weber, 451 F.3d 552, 559 n. 9
22 (9th Cir. 2006). Title 18 U.S.C. § 3583(e) states:

23 (e) **Modification of conditions or revocation.** The court may, after considering the
24 factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5),
(a)(6), and (a)(7)

25 (1) terminate a term of supervised release and discharge the defendant released at any
26 time after the expiration of one year of supervised release, pursuant to the provisions
of the Federal Rules of Criminal Procedure relating to the modification of probation,

1 if it is satisfied that such action is warranted by the conduct of the defendant released
2 and the interests of justice[.]

3 The Court considers the following factors under 18 U.S.C. §§ 3553(a): (1) the nature and
4 circumstances of the offense and the history and characteristics of the defendant; (2) deterrence; (3)
5 protection of the public; (4) the need to provide the defendant with educational, vocational training,
6 medical care or other rehabilitation; (5) the sentence and sentencing range established for the
7 category of defendant; (6) any pertinent policy statement by the Sentencing Commission; (7) the
8 need to avoid unwarranted sentence disparities among defendants with similar records who have
9 been found guilty of similar conduct; and (8) the need to provide restitution to any victims of the
10 offense. See 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

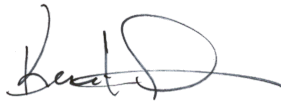
11 Here, Defendant has met his burden in demonstrating that early termination of supervised
12 release is justified. On or about January 31, 2012, the Defendant was found guilty by a jury of Count
13 One of a ten-count Superseding Indictment charging him with conspiracy to commit securities fraud
14 and wire fraud in violation of 18 U.S.C. § 371. After Mr. Montgomery was released from federal
15 custody, he began his term of supervised release on or about July 14, 2014. His three-year term of
16 supervised release is scheduled to expire in July, 2017. Mr. Montgomery has been supervised by U.S.
17 Probation Officer, Jodana Brown. Probation Officer Brown has been contacted and she advises that
18 Mr. Montgomery is compliant with his terms of supervised release. Mr. Montgomery has
19 successfully completed approximately fourteen (14) months of his supervised release period.

20 Further, Mr. Montgomery did not have an aggravated role in the offense of conviction, *i.e.*,
21 conspiracy to commit securities fraud and wire fraud. He does not have a history of violence, nor any
22 recent arrests or convictions, and has been compliant with all laws. Additionally, Mr. Montgomery
23 successfully completed substance abuse treatment while incarcerated and passed all drug tests
24 administered.

1 Therefore, having considered the above facts in light of the applicable statutory factors, the
2 Court finds that in the interest of justice and being warranted by the conduct of Defendant, that his
3 term of supervised release is hereby terminated immediately.

4 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Termination of
5 Supervised Release (#5) is **GRANTED**.

6 DATED this 8th day of October 2015.

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10 Kent J. Dawson
11 United States District Judge
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